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Docket No. END-723

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Seth A. Foerster et al.
Serial No. : 09/776,125 Art Unit: 3731
Filed : February 2, 2001 Examiner: Jessica R. Baxter
For : METHODS AND DEVICES FOR DEFINING
AND MARKING TISSUE

Assistant Commissioner for Patents
Washington, D.C. 20231

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May 1, 2003
(Date of Deposit)

Patricia A. Deffinger

Name of person signing the Certificate

Patricia A. Deffinger

(Signature)

May 1, 2003

(Date of Signature)

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

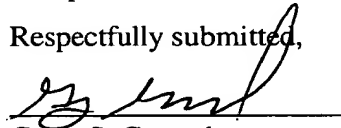
05/06/2003 10:00:00 00000133 100750 09776125

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- ☒ In accordance with 37 cfr 1.97(c), this IDS is being filed after the period set forth in 37 CFR 1.97(b) but before the mailing date of either a final action or a notice of allowance. Please charge Deposit Account No. 10-0750/END0723/GSG the fee of \$180.
- ☒ Copies of the references set forth on the attached form 1449 are attached.
- ☐ There are no listed references which are not in the English language.
- ☒ The relevance of those listed references which are not in the English language is as follows: A translation of JP 9766063 is provided.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/END-723/GSG. This form is submitted in triplicate.

Respectfully submitted,



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Dated: April 29, 2003

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(use as many sheets as necessary)

Sheet 1 of 2

Application Number	09/776,125
Filing Date	February 2, 2001
First Named Inventor	Seth A. Foerster et al.
Group Art Unit	3731
Examiner Name	
Attorney Docket Number	END-723

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		6,071,301		Cragg et al.	06/06/2000	ALL
		6,174,330 B1		Stinson	01/16/2001	ALL
		6,183,497B1		Sing et al.	02/06/2001	ALL
		6,214,045B1		Corbitt, Jr. et al.	04/10/2001	ALL
		5,487,392		Haaga	01/30/1996	ALL
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FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant figures or relevant figures appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵				
		WO	00/78228A1		CHIN SING et al.	28-12- 2000	ALL	
		WO	98/10712		SCARBOROUGH, Nelson, L.;	19-03- 1998	ALL	
		WO	95/13746		HAGGA, John B.	26-05- 1995	ALL	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		PARKER and KLAUS; From the RSNA Refresher Courses; Performing a Breast Biopsy With Directional, Vacuum-assisted Biopsy Instrument; Radiographics Vol 17/5, 1997, pp 1233-1252	
		LEONARD et al.; USE OF ULTRASOUND TO GUIDE RADIATION BOOST PLANNING FOLLOWING LUMPECTOMY FOR CARCINOMA OF THE BREAST; Int. Journal Radiation Oncology, Vol 27, 1993, pp 1193-1197	
		THOMSON et al.; Stereotactic Brain Biopsy Using a Narrow Aperture Computed Tomography Scanner; Clinical Radiology, vol 35, 1984, pp 209-214.	
		SEOUDI et al; Stereotactic Core Needle Biopsy of Nonpalpable Breast Lesions- Initial Experience With a Promising Technique; Arch. Surgery; Vol. 133, April 1998; pp 366-372	
		HOFMANN et al.; Biodegradable Implants in Orthopaedic Surgery - A Review on the State-of-the-Art; Clinical Materials; Vol 10, 1992; pp 75-80	
		PARKER and BURBANK; A Practical Approach to Minimally Invasive Breast Biopsy; Radiology, vol 200, 1996, pp 11-20.	
		Letters; Letters to the American Journal of Radiology; AJR vol. 164, January 1995, pp 260-261	
Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 2

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		Number	Kind Code ² (if known)			
		4,197,846		Bucalo	04/15/80	ALL
		4,247,406		Widder et al.	01/27/81	ALL
		4,718,897		Elves	01-12-1988	ALL
		4,787,391		Eleonides	11-29-1988	ALL
		5,108,421		Fowler	04-28-1992	ALL
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		6,161,034		Burbank et al.	12-12-2000	ALL
		6,270,464		Eulton et al.	08-07-2001	ALL
		6,347,241		Burbank et al.	02-12-2002	ALL
		6,356,782		Sirimanne et al.	03-12-2002	ALL
		2001/0023322	A1	Esposito et al.	09-20-2001	ALL

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵				
		WO	00/24320	A1	Esposito et al.	05-04-2000	ALL	
		JP	9-66063	A	Koken Co., LTD (Translation)	03-11-1997	ALL	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner's Initials [*]	Cite No. ¹	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		LEE and KNOCHER; Technical Developments and Instrumentation: Air as an Ultrasound Contrast Marker for Accurate Determination of Needle Placement; Radiology 143; June 1982; pp 787-788	
		SULLIVAN; Perspective: Needle Core Biopsy of Mammographic Lesions; AJR vol 162, March 1994 (received 9/20/1993) pp 601-608.	
		YANDOW and MATAALLANA; Gas Contrast Guided Needle Biopsy of the Head of the Pancreas; Radiology vol. 137, November 1980; pp 543 - 544.	
		LEE et al.; Air as a Contrast Marker for Ultrasound-Guided Fetal Transfusions; Radiology, vol 138, Feb. 1981, pp 490-491.	
Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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